

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA.

CIVIL DIVISION

CASE NO. 50-2018-CA-02109-XXXX-MB

PUES FAMILY TRUST IRA

Plaintiff,

vs.

LEV PARNAS, et. al.,

Defendants.

**JUDGMENT CREDITOR'S
EX PARTE MOTION TO COMPEL PRODUCTION**

Judgment creditor, PUES FAMILY TRUST IRA (“Pues” or “Judgment Creditor”), pursuant to Fla. R. Civ. P. 1.380(a) moves to compel third party Global Energy Producers, LLC (“GEP”) to produce documents responsive to a subpoena judgment creditor issued, upon the following grounds:

1. On or about March 28, 2016, judgment creditor obtained a final judgment against judgment debtors LEV PARNAS and PARNAS HOLDINGS, INC. (“Judgment Debtors”), in the amount of \$510,434.70 with interest to accrue at the rate stated therein. The Judgment was later domesticated in this Court with no objection from the debtors pursuant to the relevant statutes.

2. In execution of this judgment, Pues issued a notice of intent to serve subpoenas and subpoena to GEP.¹ The Notice of intent was served July 26, 2018 to Judgment Debtors, and Judgment Debtors never objected to the Notice of Intent. After 15-day objection period

¹ The two other subpoenaed parties have responded to their subpoenas, and GEP has not responded whatsoever.

Judgment Creditor served the subpoena on GEP. True and correct copies of the Notice of Intent, Subpoena to GEP, and Verified Return of Service to GEP are attached as Composite Exhibit A.

3. GEP is a limited liability company in which judgment debtor LEV PARNAS is associated with. In fact, there have been several prominent news articles connecting him with the entity as “executive” and the business’s principle address is run out of LEV PARNAS’s home located at 7670 La Corniche Circle, Boca Raton, FL 33433. It should be noted that the prominent news articles referenced above involve GEP donating over \$300,000.00 to the America First Super PAC very soon after the incorporation of the entity in April of 2018. It is extremely likely that LEV PARNAS is the direct source of these funds.

4. The Subpoena to GEP, which is very narrowly tailored, requests relevant items involving income information regarding Judgment Debtor LEV PARNAS who has not made any attempts whatsoever at paying or even negotiating settlement of the final judgment. The information requested in the Subpoenas is required in order to aid in locating assets, which could satisfy the final judgment, which was entered in this case. In light of the fact it appears that an entity controlled by LEV PARNAS has the capital to make a donation to a PAC when LEV PARNAS has a substantial judgment against him, would lead judgment creditor to believe there are significant information possessed by GEP.

5. Notwithstanding service of the Subpoena; GEP never responded to the Subpoena (with an objection or otherwise), and no one has responded on their behalf regarding the production. Furthermore prior to service of the Subpoenas, as stated above, in accordance with the rules of civil procedure, Judgment Creditor filed and served on Defendant LEV PARNAS a Notice of Intent to Serve Subpoenas, which gave him an opportunity to object. No objection to the notice of intent was ever made, so service of the subpoenas was more than proper under rules.

6. It should be noted that the rule governing use of subpoenas duces tecum (Fla. R. Civ. P. 1.410) is to be considered *in pari materia* with the rule governing production of documents and things (Fla. R. Civ. P. 1.350). *Kennedy v. Kennedy* 298 So.2d 525 at 526. As such a motion to compel production of documents under Fla. R. Civ. P. 1.380 is proper.

7. Rule 1.380(a)(4) states in relevant part:

If the motion is granted and after opportunity for hearing, the court shall require the party or deponent whose conduct necessitated the motion or the party or counsel advising the conduct to pay to the moving party the reasonable expenses incurred in obtaining the order that may include attorneys' fees, unless the court finds that the movant failed to certify in the motion that a good faith effort was made to obtain the discovery without court action, that the opposition to the motion was substantially justified, or that other circumstances make an award of expenses unjust.

As such, judgment creditor is entitled to an award of its reasonable fees incurred in the preparation of this motion and related materials (such as affidavits in support). *See Wilcoxon v. Moller*, 2014 Fla. App. LEXIS 166 (Fla. Dist. Ct. App. 4th Dist. Jan. 8 2014).

WHEREFORE, Judgment Creditor respectfully requests that the court enter an Order compelling GEP to produce the documents requested in the Subpoena; Award costs and attorneys' fees associated with the preparation of this Motion and any such other relief this Court finds just and proper.

Dated: October 10, 2018

ANDRE LAW FIRM P.A.
Counsel for judgment creditor
18851 N.E. 29th Ave Suite 724
Aventura, FL 33180
Tel. 786 708 0813
Fax 786 513 8408

By: /s/ Tony Andre
Tony André, Esq.
Florida Bar No. 0040587

Composite Exhibit A

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA.

CIVIL DIVISION

CASE NO. 50-2018-CA-02109-XXXX-MB

PUES FAMILY TRUST IRA

Plaintiff,

vs.

LEV PARNAS, et. al.,

Defendants.

**PLAINTIFF'S NOTICE OF INTENT
TO SERVE SUBPOENAS WITHOUT DEPOSITION**

Plaintiff, by and through its undersigned counsel, hereby serves its Notice of Intent to Serve Subpoena *Duces Tecum* without Deposition on 1) GLOBAL ENERGY PRODUCERS, LLC (Defendant Lev Parnas "Executive"); 2) CHABAD RUSSIAN CENTER OF SOUTH FLORIDA; and 3) VICTOR IMBER all pursuant to FLA. R. CIV. P. 1.351 in the above styled cause and attaches a copy of the subpoenas to be served upon the above referenced non-parties, below.

If any party serves an objection to production under FLA. R. CIV. P. 1.351 within ten (10) days of service of this Notice, the documents or things shall not be produced pursuant to the subpoenas pending resolution of the objection in accordance with FLA. R. Civ. P. 1.351.

DATED on July 26, 2018.

Respectfully submitted,

ANDRE LAW FIRM P.A.
Counsel for Plaintiff/Judgment Creditor
18851 N.E. 29th Ave Suite 724
Aventura, FL 33180
Tel. 786 708 0813
Fax 786 513 8408

By: /s/ Tony André
Tony André, Esq.
Florida Bar No.: 0040587

Certificate of Service

I certify that on July 26, 2018, a copy hereof has been furnished to the following recipients by first-class United States mail or electronic mail (via the e-portal service) as indicated below:

Lev Parnas
Parnas Holdings, Inc
7670 La Conrniche Circle
Boca Raton, FL 33433

/s/ Tony Andre
TONY ANDRE

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA.

CIVIL DIVISION

CASE NO. 50-2018-CA-02109-XXXX-MB

PUES FAMILY TRUST IRA

Plaintiff,

vs.

LEV PARNAS, et. al.,

Defendants.

SUBPOENA DUCES TECUM WITHOUT DEPOSITION

To: Global Energy Producers, LLC
By and through its records custodian
By Serving LEV PARNAS as Officer
7670 La Corniche Circle, Boca Raton FL 33433

YOU ARE COMMANDED to appear at the offices of Andre Law Firm P.A., 18851
N.E. 29th Ave, Suite 724, Aventura, FL 33180 on September 14, 2018, at 9:00 a.m., and to have
with you at that time and place the following:

SEE ATTACHED SCHEDULE.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this Subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this Subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **YOU MAY MAIL OR DELIVER THE COPIES TO THE ATTORNEY WHOSE NAME APPEARS ON THIS SUBPOENA AND THEREBY ELIMINATE YOUR APPEARANCE AT THE TIME AND PLACE SPECIFIED ABOVE.** You have the right to object to the production pursuant to this Subpoena at any time before production by giving written notice to the attorney whose name appears on this Subpoena.

THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

If you fail to: (1) appear as specified; or (2) furnish the records instead of appearance as provided above; or (3) object to this Subpoena, you may be in contempt of Court. You are subpoenaed by the attorneys whose names appear on this Subpoena, and unless excused from this Subpoena by the attorney or the Court, you shall respond to this Subpoena as directed.

DATED on August 7, 2018

Respectfully submitted,

ANDRE LAW FIRM P.A.
Counsel for Plaintiff/Judgment Creditor
18851 N.E. 29th Ave Suite 724
Aventura, FL 33180
Tel. 786 708 0813
Fax 786 513 8408

By: /s/ Tony André
Tony André, Esq.
Florida Bar No.: 0040587

SCHEDULE

Definitions

As used in this subpoena, the following words shall be defined as follows:

1) “Document” includes, but is not limited to, originals where available, or otherwise a carbon copy, xerox copy or other copy, including each non-identical copy (whether different from the original because of marginal notes, or other material inserted or attached thereto, or otherwise) of each item of correspondence, letters, electronic mail, memoranda, messages, telephone bills, notes, offers, orders, confirmations, contracts, agreements, reports, punch sheets, punch lists, agendas, cables, telegrams, diaries, appointment books, invoices, ledgers, returns, accounts, checks, check stubs, drafts, statements, indexes, data sheets, data processing cards, logs, worksheets, service orders, expense vouchers, maintenance records, inspection reports, licenses, permits, settlement paperwork, printing, pictures, advertisements, slides, film, microfilm, micro fiche and other written matter of every kind and character; notes, memoranda, transcripts, recording tapes, recording disks or other records of oral communications; and graphs, books, charts, tables, prospectuses, tabulations, worksheets, compilations, summaries, minutes, lists, pamphlets, brochures, drawings, renderings, diagrams, sketches, etchings, tracings, plans, blueprints, posters, periodicals, publications, bulletins, computer printouts, studies or other papers in the possession, custody or control of GLOBAL ENERGY PRODUCERS, LLC (“Deponent”) or its agents, employees, attorneys or representatives, including documents which were prepared by Deponent’s agents, employees, attorneys or representatives, which did not leave the custody of the person preparing it.

2) “You” or “Your” refers to Deponent, his agents, attorneys, employees, subsidiaries, joint venturers, partners, predecessors, successors and all other persons acting for, purporting to act for, or subject to the control of Deponent.

3) “And” or “Or” shall include the conjunctive as well as the disjunctive.

4) “Communications” include correspondence, discussions, telephone conversations and all other forms of written or oral communication.

5) “Judgment Debtor” refers to Defendants LEV PARNAS and PARNAS HOLDINGS, INC.

Schedule of Documents to be Produced

Any and all documents in your possession, custody or control that relate or reflect or refer to:

1. Any and all records pertaining to compensation of LEV PARNAS by You, who upon information and belief (and review of relevant public records) serves as Executive or CEO of You since incorporation/creation of You.

2. Any and all documents signed by LEV PARNAS on behalf of You (from April 1, 2018 to present), including but not limited to, bank deposit agreements, political action committee finance documents, checks, leases, and operating agreements.

3. List of all officers/managers and or employees affiliated with You.

4. Any and all correspondence made by LEV PARNAS on behalf of You made from April 1, 2018 and present.

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PUES FAMILY TRUST IRA

Plaintiff,

vs.

LEV PARNAS, et. al.,

Defendants.

CERTIFICATE OF NON-OBJECTION

Judgment Creditor, PUES FAMILY TRUST IRA, by and through undersigned counsel, hereby certifies that no objections were filed or made to the Notice of Intent to serve Subpoenas Without Deposition (served July 26, 2018) directed to the following parties pursuant to Fla. R. Civ. P. 1.351:

1) GLOBAL ENERGY PRODUCERS, LLC; 2) CHABAD RUSSIAN CENTER OF SOUTH FLORIDA; and 3) VICTOR IMBER

Dated: August 13, 2018

Respectfully submitted,

By: /s/ Tony Andre
Florida Bar No.: 40587
ANDRE LAW FIRM P.A.
18851 N.E. 29th Ave Suite 724
Aventura, FL 33180
Telephone: (786) 708 0813
Facsimile: (786) 513 8408
andre@andrelaw.com

Certificate of Service

I certify that on August 13, 2018, a copy hereof has been furnished to the following recipients by first-class United States mail or electronic mail (via the e-portal service) as indicated below:

Lev Parnas
Parnas Holdings, Inc
7670 La Conrniche Circle
Boca Raton, FL 33433

/s/ Tony Andre
TONY ANDRE

NOT A CERTIFIED COPY

VERIFIED RETURN OF SERVICE

State of Florida

County of Palm Beach

Circuit Court

Case Number: 50-2018-CA-02109-XXXX-MB Court Date: 9/14/2018 9:00 am

Plaintiff:

PUES FAMILY TRUST IRA.,

vs.

Defendant:

LEV PARNAS, ET AL.,

For:

Tony Andre, Esq.
ANDRE LAW FIRM, P.A.
14 N.E. 1st Avenue
2nd Floor
Miami, FL 33132



FLP2018020287

Received by FLORIDA PROCESS SERVICE, INC. on the 13th day of August, 2018 at 1:47 pm to be served on RC/ GLOBAL ENERGY PRODUCERS, LLC BY SERVING LEV PARNAS AS OFFICER, 7670 LA CORNICHE CIRCLE, BOCA RATON, FL 33433.

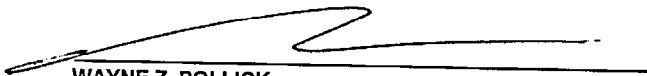
I, WAYNE Z. POLLICK, do hereby affirm that on the 14th day of August, 2018 at 5:20 pm, I:

SERVED the within named CORPORATION by delivering a true copy of the SUBPOENA DUCES TECUM WITHOUT DEPOSITION. with the date and hour of service endorsed thereon by me to DANIEL PARNAS as SON & CO-RESIDENT of LEV PARNAS at 7670 LA CORNICHE CIRCLE, BOCA RATON, FL 33433 in compliance with F.S. 48.081.(3)(b) If the address provided for the registered agent, officer, director, or principal place of business is a residence or private mailbox, service on the corporation may be made by serving the registered agent, officer, or director in accordance with s. 48.031.

Description of Person Served: Age: 16, Sex: M, Race/Skin Color: WHITE, Height: 5'10, Weight: 130, Hair: BROWN, Glasses: N

I certify that I am a certified process server in the circuit in which the process was served and that I have no interest in the above action. Under penalty of perjury, I declare that I have read the foregoing and that the facts stated in it are true. No Notary Required Pursuant to F.S. 92.525(2).

DATE: 8/16/18


WAYNE Z. POLLICK
CPS # 856

FLORIDA PROCESS SERVICE, INC.
1673 SW 67 Avenue
West Miami, FL 33155
(305) 371-9000

Our Job Serial Number: FLP-2018020287